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Attorneys for Defendant
APPLE COMPUTER, INC.

Attorneys for Plaintiff And The Proposed Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

E-FILED - 1-10-06

JAMES M. WIMMER, individually and on
behalf of all others similarly situated,

Case No. C-05-04244 RMW

**STIPULATION RE: [PROPOSED]
CASE MANAGEMENT ORDER NO. 1**

Plaintiff,

V.

APPLE COMPUTER, INC.,

Defendant

1 WHEREAS, the original complaint in the above-referenced case was filed on October 19,
2 2005, asserting claims on behalf of a putative nationwide class of consumers against Defendant
3 APPLE COMPUTER, INC. ("Apple"), and concerning alleged scratching problems inherent with
4 the ipod Nano digital music player ("Nano"), and subsequently amended on October 25, 2005;

5 WHEREAS, related class action complaints subsequently have been filed in this Court and
6 in other courts;

7 WHEREAS, Plaintiff JAMES M. WIMMER ("Wimmer") and Apple believe and agree that
8 it would serve the interests of judicial economy and efficiency for this Court to enter a Case
9 Management Order in the form of the proposed order attached hereto as **Exhibit A** and
10 incorporated herein by reference;

11 NOW, THEREFORE, the parties, by and through their counsel, hereby agree and stipulate
12 to the entry of an order in the form of the proposed order attached hereto as **Exhibit A**.

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16 Dated: December 19, 2005

PENELOPE A. PREOVOLOS
ANDREW D. MUHLBACH
HEATHER A. MOSER
MORRISON & FOERSTER LLP

17
18
19 By:


Andrew D. Muhlbach

20
21 Attorneys for Defendant
22 APPLE COMPUTER, INC.

1 DATED: December 19, 2005

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25 *Attorneys for Plaintiff and the Proposed Class*

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28 **IT IS SO ORDERED.**

29 DATED: 1-10-06, 2006

30 /S/ RONALD M. WHYTE
31 **HONORABLE RONALD M. WHYTE**
32 **UNITED STATES DISTRICT COURT**